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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-835

**ROSALIE ELIZABETH ADAMS**  
**2115 E. 51<sup>st</sup> Place, Apt. A**  
**Tulsa, OK 74105**  
**Registered Nurse License No. 727226**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

RESPONDENT

**FINDINGS OF FACT**

1. On or about April 12, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-835 against Rosalie Elizabeth Adams(Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about May 29, 2008, the Board of Registered Nursing (Board) issued Registered Nurse License No. 727226 to Respondent. The Registered Nurse License expired on February 28, 2010 and has not been renewed.

3. On or about April 12, 2011, the Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-835, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

2115 E. 51<sup>ST</sup> Place, Apt. A  
Tulsa, OK 74105

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4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about May 17, 2011, the Certified mail was returned by the postal service marked "Unclaimed".

6. Business and Professions Code section 2764 states:

The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

7. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-835.

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board after having reviewed the proof of service dated, April 12, 2011, finds Respondent is in default. The Board will take action without further hearing and, based on Accusation No. 2011-835 and the documents contained in the Default Decision Investigatory Evidence Packet which includes:

1 Exhibit 1 – Pleadings offered for jurisdictional purposes; Exhibit 2 – License History  
2 Certification for Rosalie Elizabeth Adams, Registered Nurse License No. 727226; Exhibit 3 –  
3 Before the Oklahoma Board of Nursing, In the Matter of Rosalie Elizabeth Adams, r.n. License  
4 No. R0081290 (Suspended), Stipulation, Settlement and Order, dated November 10, 2009;  
5 Exhibit 4 - Affidavit of Shannon Silberling ; Exhibit 5 - Declaration of costs by Office of the  
6 Attorney General for Prosecution of Case No. 2011-835, and finds that the charges and  
7 allegations in Accusation No. 2011-835 are separately and severally true and correct by clear and  
8 convincing evidence.

9 11. Taking official notice of the Declaration of costs by the Office of the Attorney  
10 General contained in the Default Decision Investigatory Evidence Packet, pursuant to Business  
11 and Professions Code section 125.3, it is hereby determined that the reasonable costs for  
12 Investigation and Enforcement in connection with the Accusation are \$532.50, as of May 17,  
13 2011.

#### 13 DETERMINATION OF ISSUES

14 1. Based on the foregoing findings of fact, Respondent Rosalie Elizabeth Adams has  
15 subjected his following licenses to discipline:

16 a. Registered Nurse License No. 727226

17 2. The agency has jurisdiction to adjudicate this case by default.

18 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
19 Nurse License based upon the following violations alleged in the Accusation, which are  
20 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
21 case.

22 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary  
23 action by another State Board of Nursing.

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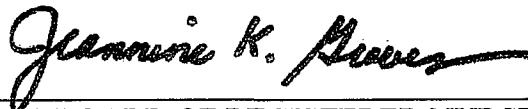
1  
2 ORDER

3 IT IS SO ORDERED that Registered Nurse License No. 727226, heretofore issued to  
4 Respondent Rosalie Elizabeth Adams, is revoked.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
6 written motion requesting that the Decision be vacated and stating the grounds relied on within  
7 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
8 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

9 This Decision shall become effective on August 5, 2011.

10 It is so ORDERED July 6, 2011

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13 FOR THE BOARD OF REGISTERED NURSING  
14 DEPARTMENT OF CONSUMER AFFAIRS

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17 Attachment:

18 Exhibit A: Accusation No. 2011-835  
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# Exhibit A

Accusation No. 2011-835

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-835*

13 **ROSALIE ELIZABETH ADAMS**  
2115 E. 51st Place, Apt. A  
14 **Tulsa, OK 74105**  
Registered Nurse License No. 727226

**A C C U S A T I O N**

Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about May 29, 2008, the Board of Registered Nursing issued Registered Nurse  
23 License Number 727226 to Rosalie Elizabeth Adams (Respondent). The Registered Nurse  
24 License expired on February 28, 2010, and has not been renewed.  
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1 DRUGS

2 8. "Morphine Sulfate" is a phenanthrene-derivative agonist and the principal alkaloid of  
3 opium. It is a powerful analgesic used to relieve severe, acute pain or moderate to severe, chronic  
4 pain. It is also used for preoperative sedation or as a supplement to anesthesia. It is a Schedule II  
5 controlled substance as designated by Health and Safety Code section 11055, subdivision  
6 (b)(1)(L), and is a dangerous drug pursuant to Code section 4022.

7 COST RECOVERY

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case.

12 CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – Out of State Discipline)  
14 (Bus. & Prof. Code § 2761, subd. (a)(4))

15 10. Respondent has subjected her registered nurse license to disciplinary action under  
16 Code section 2761, subdivision (a)(4), in that on or about November 10, 2009, in a disciplinary  
17 action before the Oklahoma Board of Nursing (Oklahoma Board), the Oklahoma Board entered a  
18 Stipulation, Settlement, and Order (Order), accepting Respondent's voluntary surrender of her  
19 Oklahoma registered nurse license. The Order required Respondent to wait two years before  
20 being considered for reinstatement and provided that the Oklahoma Board would not consider any  
21 application for reinstatement until Respondent furnished proof of compliance with the Oklahoma  
22 Board's "Guidelines for Individuals Requesting Reinstatement After Suspension, Surrender or  
23 Revocation for Misappropriation or Misuse of Drugs/Alcohol." The Order also required  
24 Respondent to submit evidence of continued qualifications for practice as set forth in the  
25 applicable Statutes and Rules of the Oklahoma Board Oklahoma Board before the Board would  
26 consider reinstatement. Upon reinstatement, Respondent's license would be placed on temporary  
27 suspension pending her readmission to the Peer Assistance Program.  
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11. The underlying conduct supporting the Oklahoma Board's disciplinary action is that on or about May 10, 2009, while working at SouthCrest Hospital in Tulsa, Oklahoma, Respondent admitted that she diverted five vials of Morphine, 4 milligrams, for her own personal use and documented that she had administered the Morphine to a patient. Based upon this conduct, on or about June 12, 2009, Respondent voluntarily entered the Peer Assistance Program and signed the Peer Assistance Program Contract. On or about July 10, 2009, Respondent was terminated from the Peer Assistance Program for failure to comply with the terms and conditions of the Peer Assistance Contract and Amended Contract.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 727226, issued to Rosalie Elizabeth Adams;
2. Ordering Rosalie Elizabeth Adams to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: April 12, 2011

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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